

October 19, 1998

98-R-1293

FROM: John Kasprak, Senior Attorney

RE: Body Piercing

You asked for information on body piercing including (1) its possible regulation by the state or municipalities, (2) other states' regulation of body piercing, and, (3) any health issues associated with body piercing.

### **REGULATION OF BODY PIERCING**

The state does not regulate body piercing, but it has regulated ear piercing in the past. Until 1994, only physicians, surgeons, and registered nurses were permitted to pierce ears, or offer or advertise to do so for pay, or in any retail business. The law, however, did not restrict individuals from piercing their own ears or piercing a friend's ears. Violation was punishable by a fine of up to \$100, imprisonment for up to 90 days, or both (CGS § 53-41b). Public Act 94-105 repealed CGS § 53-41b. Thus, there currently is no restriction on who may pierce ears in Connecticut.

It appears that a municipality could attempt to pass an ordinance regulating body piercing within its boundaries based on its general authority to protect the public health and safety of its citizens (the "police power.") If such an ordinance were adopted, the local health department of that community could enforce that ordinance, adopting regulations to do so. In particular, a municipality has the authority to "regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals, and general welfare of the inhabitants of the municipality" (CGS § 7-148(c)(7)(A)).

A town also may "regulate and prohibit the carrying on within the municipality of any trade, manufacture, business, or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity" (CGS § 7-148(c)(7)(H)).

### **REGULATION OF TATTOOING**

PA 94-105 (see CGS § 19a-92a) also requires the Department of Public Health (DPH) to adopt regulations for regulating tattooing and prohibits tattooing an unemancipated minor without permission of the minor's parent or guardian.

By law, tattooing can be performed by a (1) physician; (2) osteopathic physician; (3) advanced practice registered nurse, working under the direction of a physician; (4) a registered nurse working under the supervision, control and responsibility of a physician; (5) physician

assistant working under the supervision, control, and responsibility of a physician; or (6) technician providing service under the supervision of a physician according to DPH regulations.

## **OTHER STATES**

At least three states have taken action to regulate body piercing in some manner. Both California and Texas have adopted laws restricting body piercing to people over age 18. But enforcement is difficult because it is dependent on individual complaints. Texas and Oregon have established regulations on body piercing. In Texas, the regulations primarily concern maintaining the sterility of equipment and only pertain to body piercing done in a tattoo studio.

The city of Quincy, Massachusetts passed an ordinance in 1997 requiring the certification of body piercers by the city's board of health. Certification includes passing a 15-week course in anatomy and physiology and serving a year's apprenticeship under another certified body piercer. Also, Quincy requires parental consent for those under 18 seeking body piercing.

## **HEALTH CONCERNS ABOUT BODY PIERCING**

Dr. Anthony Scalafani, chief resident at the New York Eye and Ear Infirmary's walk-in clinic, reports a definite increase in injuries and infections as a result of body piercing. He commented, "some noses are so swollen I can't even see the jewelry" ("Dangerous World: Problems of Piercing," *New York Times Magazine*, April 23, 1995). The same article quotes Dr. Bruce Young of the New York University Medical Center as stating that "the genitalia are particularly sensitive to complications from piercing."

Other health professionals note that most of the ear and nose are made of cartilage, which is less well-nourished by blood and more susceptible to infection than soft tissue like the earlobe. Once infected, cartilage can break down into misshapen blobs and tighten into scar tissue. A troublesome scenario is the possibility of a nasal infection spreading into deeper veins that lead to the brain. That circumstance is likely to require a hospital stay for intravenous antibiotics.

Medical personnel advise that if a person must get parts of his body pierced, the person doing the piercing should use sterilized equipment. A physician's office is considered the safest place for piercing. And, they advise, a physician should be notified if there is any sign of infection, redness, swelling and pain, and fails to clear up within 24 hours. Infections can be treated easily, if caught early, with oral antibiotics (see "The Perils of Piercing," *Health Magazine*, March/April 1996).